REMARKS

The Office Action dated February 23, 2006, has been carefully reviewed and the foregoing amendment has been made in response thereto.

Claims 1-18 stand rejected under 35 U.S.C. 102(e) as anticipated by Gray Jr. (the '080 patent). Each of the independent claims, Claims 1, 11, and 18 have been amended to refer three accumulators: a high pressure accumulator, a low pressure accumulator that is connected to the low pressure outlet of the motor pumps, and a power mode accumulator.

The '080 patent discloses only a high pressure accumulator 13 and a low pressure accumulator 17. It neither discloses nor suggests the presence of a power mode accumulator, such as accumulator 32 in Figure 1 of the present application, nor does the '080 patent disclose a splitting valve or its function.

The '080 patent discloses a high pressure accumulator 13, whose high pressure outlet is connected through a control circuit 15 to a pump motor for starting the engine 11. The low pressure accumulator 17 receives low pressure fluid at the outlet of the drive pump motors 21, 22 when they are operating as motors and resupplies the pump motor 12 when it is operating as a pump. There is no accumulator comparable to the power mode accumulator of the present application, which supplies pressure to the drive wheels. Nor does the '080 patent disclose or suggest a splitting valve that closes communication and opens communication with the line pressure rail depending upon the load, such as the magnitude of wheel torque, demanded by the vehicle operator.

In Figure 2, the '080 patent illustrates the control circuit 15, through which the drive pump/motors, 21, 22 are supplied exclusively from the high pressure accumulator 13 and the low pressure fluid from the pump motors is directed to the low pressure accumulator 17. The subcircuit 31 controls the flow to and from pump motor 12 through lines 16 and 19. Subcircuits 41 and 51 perform substantially the same function with respect to drive pump/motor 21 and pump/motor 22, respectively.

There is no power mode accumulator disclosed or suggested in the '080 patent. Subcircuit 41 is not a splitting valve. The splitting valve 74 of the present invention closes a connection between high pressure line 13 and the high pressure accumulator in one state of the splitting valve, and opens both the high pressure accumulator and the power mode accumulator to the main pressure line in a second state of the splitting valve. This function is entirely absent in the system of the '080 patent wherein valves 42, 44, 32, and 52 always allow high pressure flow into high pressure line 14, and valves 43, 45, 35 and 55 always allow low pressure into low pressure line 18. (Column 5, lines 39-44) High pressure hydraulic fluid is supplied by high pressure accumulator 13, through line 14, through control circuit 15 to pump motor 12. (Column 4, lines 57- column 7, line 46).

In view of the foregoing amendment and remarks, claims 1-18 appear now in condition for allowance. Favorable action is respectfully solicited.

Respectfully submitted,

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